

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

In Re

**Linda M. Thake, aka
Linda M. Mays, aka
Linda M. Buechner,
Debtor.**

**U.S. BANK TRUST NATIONAL
ASSOCIATION, AS TRUSTEE OF
BUNGALOW SERIES F TRUST,
Movant.**

v.

**Linda M. Thake, aka
Linda M. Mays, aka
Linda M. Buechner,
Debtor,**

and

**Diana S. Daugherty, Trustee.
Respondents.**

Case No. 15-47508-659

Chapter 13 #51

**MOTION FOR RELIEF FROM THE
AUTOMATIC STAY**

MOVANT WAIVES 30 DAY HEARING

Hearing Date: January 22, 2018

Hearing Time: 10:00 AM

Courtroom 7 North

**Kozeny & McCubbin, LC
12400 Olive Blvd., Suite 555
St. Louis, MO 63141
(314) 991-0255
edmo@km-law.com**

ORDER GRANTING MOTION FOR RELIEF FROM THE AUTOMATIC STAY

Movant, U.S. BANK TRUST NATIONAL ASSOCIATION, AS TRUSTEE OF BUNGALOW SERIES F TRUST, and its principals successors and assigns, having commenced a Motion seeking the termination of the automatic stay with regard to 4058 Humphrey St, Saint Louis, MO 63116, and more particularly described as:

KM11682897KM

THE FOLLOWING DESCRIBED LOTS, TRACTS, OR PARCELS OF LAND, LYING, BEING AND SITUATE IN THE COUNTY OF ST. LOUIS CITY, AND STATE OF MISSOURI, TO WIT:

THE EASTERN 10 FEET OF LOT 16 AND THE WESTERN 20 FEET OF LOT 17 OF RUSSELL PLACE AND IN BLOCK 4150 OF THE CITY OF ST. LOUIS, TOGETHER FRONTING 30 FEET ON THE SOUTH LINE OF HUMPHREY STREET BY A DEPTH SOUTHWARDLY OF 124 FEET 4 1/2 INCHES TO A 15 FOOT WIDE ALLEY.

BEING THAT PARCEL OF LAND CONVEYED TO LINDA MAYS, A MARRIED PERSON, FROM LINDA THAKE, NKA LINDA MAYS, AND COSELLE MAYS, HUSBAND AND WIFE, ACTING INDIVIDUALLY AND PURSUANT TO WAIVER OF MARITAL RIGHTS/ASSENT AS TO EXECUTION OF DEED, BY THAT DEED DATED 08/25/2005 AND RECORDED 09/30/2005 IN DEED BOOK 9302005, AT PAGE 185 OF THE ST. LOUIS CITY, MO PUBLIC REGISTRY.

TAX MAP REFERENCE: 41500000400

COMMENTS: SCRIVENER`S ERROR AFFIDAVIT, RECORDED 11/15/2005, AT BOOK 11152005, PAGE 195 TO CORRECT THE BLOCK NUMBER IN THE LEGAL DESCRIPTION, AS IT APPEARS IN THE WARRANTY DEED RECORDED 05/13/2005, QUIT-CLAIM DEED RECORDED 09/30/2005, TWO DEEDS OF TRUST RECORDED 09/30/2005, AND MARITAL WAIVER RECORDED 09/30/2005.

and it appearing that Movant is entitled to the relief requested in the motion, it is hereby

ORDERED, that said Motion be and it is hereby GRANTED, in that Movant, and its principals successors and assigns, are hereby authorized to immediately foreclose its security interest in Debtor`s real estate as referenced above pursuant to the terms and provisions of its deed of trust and the laws of Missouri pertaining thereto, and for such purposes the stays of 11 U.S.C. Sec. 362 are hereby terminated. The recoverability of any fees and costs associated with this motion shall be determined in accordance with the contract agreement and applicable non-bankruptcy law.

IT IS FURTHER ORDERED, that Movant, and its principals successors and assigns, are hereby authorized to immediately pursue its state court remedies to recover

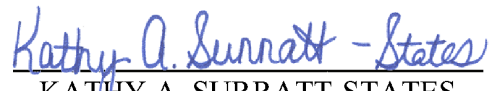
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possession of the aforesaid real estate in accordance with the terms and provisions of its deed of trust and the laws of Missouri pertaining thereto, and for such purposes the stays of 11 U.S.C. Sec 362 are hereby terminated.

IT IS FURTHER ORDERED, that the Chapter 13 Trustee is directed to discontinue payment on all claims secured by the property against which relief from the automatic stay is granted in this Order. The Trustee is directed to resume payment on such claims on notification pursuant to L.B.R. 3021-1 A.

IT IS FURTHER ORDERED, that this Court finds that Rule 4001(a)(3) is inapplicable and that Movant shall be allowed to immediately pursue its above referenced remedies.

IT IS FURTHER ORDERED, that Movant, and its principals successors and assigns, are hereby authorized to, at its option, offer, provide and enter into any potential forbearance agreement, loan modification, refinance agreement or other loan workout/loss mitigation agreement; and to contact the Debtor via telephone or written correspondence to offer such an agreement, which shall be non-recourse unless included in a reaffirmation agreement.


KATHY A. SURRATT-STATES
Chief United States Bankruptcy Judge

DATED: January 25, 2018
St. Louis, Missouri
jjh

Respectfully submitted,

/s/Jonathon B. Burford
Jonathon B. Burford, #59337MO
Attorneys for Movant
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Copy mailed to:

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St. Louis, MO 63108

Diana S. Daugherty
Trustee
PO Box 430908
St. Louis, MO 63143

U.S. Trustee
Office of the US Trustee
111 S. 10th St., Ste. 6.353
St. Louis, MO 63102

Jonathon B. Burford
Attorney for Movant
12400 Olive Blvd., Ste. 555
St. Louis, MO 63141

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In re:
Linda M. Thake
Debtor

Case No. 15-47508-kss
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0865-4

User: reik
Form ID: pdfol

Page 1 of 1
Total Noticed: 1

Date Rcvd: Jan 25, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 27, 2018.

db +Linda M. Thake, 4058 Humphrey St., Saint Louis, MO 63116-3823

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 27, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 25, 2018 at the address(es) listed below:

Diana S. Daugherty standing_trustee@ch13stl.com, trust33@ch13stl.com
Jonathon B. Burford on behalf of Creditor Seterus Inc edmo@km-law.com,
Kozeny@ecf.courtdrive.com
Jonathon B. Burford on behalf of Creditor US Bank Trust NA edmo@km-law.com,
Kozeny@ecf.courtdrive.com
Office of US Trustee USTPRegion13.SL.ECF@USDOJ.gov
Ross H. Briggs on behalf of Debtor Linda M. Thake r-briggs@sbcglobal.net, rb04938@gmail.com
Wendee Noel Elliott-Clement on behalf of Creditor Seterus Inc moedbknnotices@southlaw.com
TOTAL: 6